

September 20, 2019

To: Representative Dane Eagle

Re: Legislative Action Request (LAR)

Ethics-Florida Statutes Chapter 112.3145

Financial Disclosure

No Fiscal Impact upon the state budget concerning said LAR

I respectfully request that the Florida House and Senate's Committees on Ethics consider this Session to amend or revise the Financial Disclosure requirements for Appointed and Elected Local Officers i.e. City Council Members, City/County Managers, City/County Attorneys and City/County Planning Directors. Requested amendment or revision, those said local officers should be required to file the Form 6 disclosure form instead of Form 1.

The rationale for my request is based on the fact that Form 1 is not very disclosing or transparent as what is required of the Form 6 that you are required to file. Furthermore, all appointed and elected officials of this State and its political subdivisions should be required to adhere to the same disclosure standards. This action would result in uniform and consistent disclosure reporting thereby eliminating any ambiguity.

Since the decisions that are made by the said local officers are entrusted with the stewardship of the public's tax dollars and they make decisions that greatly affect the health, safety and welfare of their constituents which are no different from the decisions that are made by those Public Officials who are required to file the Form 6 i.e. locally elected State Senators, State Representatives, County/Circuit Court Judges and County Commissioners.

As you know, during your term(s) in office a number of appointed and elected officials in Florida, have been suspended and or removed by the Governor(s) because of alleged conflicts of interests and other unlawful acts.

Lastly, this proposed amendment or revision has received support from the elected State Attorneys of our 20 Judicial Circuits and it would aid the Commission on Ethics and Law Enforcement in their investigations. Moreover, it would shed more light on the financial status and interests of those serving as Local Appointed and Elected Officers.

Your consideration of my Legislative Action Request will be greatly appreciated.

Thank you.

Yours truly,



Steven R. Maxwell, Ed.D.

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"A Public Office is a Public Trust"

MEMORANDUM

TO: All Interested Persons

FROM: Chris Anderson, Executive Director 

SUBJECT: Proposed Legislation for 2020

DATE: October 4, 2019

For 2020, the Commission on Ethics makes the following recommendations regarding legislative changes to the Code of Ethics:

1. Conflicts of Interest

The law prohibits an official from having a contractual relationship with a company doing business with the official's own agency. So City Councilman A cannot contract with Business B, if Business B is doing business with his City. But if Councilman A creates "A, Inc.," that *corporation* can do business with Business B without violating the law, even if "A, Inc.," is solely owned by Councilman A. The Commission has seen this as thwarting the underlying goal of the law, which is to prevent officials from having relationships with companies doing business with their agencies.

2. Voting Conflicts Law

Under current law, local *elected* officials can participate in the discussion of a measure in which they have a conflict without revealing the existence of that conflict until the vote is actually taken. This means the official can make every effort to persuade his or her colleagues without telling them (and the public) about the conflict. Appointed officials, in contrast, must declare their conflict before *participating* in the discussion of the measure. Elected officials should have to adhere to the same standard.

In addition, state officers only have to abstain if the measure helps or hurts them *personally*. Unlike local officials, they don't have to abstain when the measure benefits their employer, relative, etc.

The Commission has expressed that the voting conflict standard should be the same for everyone, whether the official is appointed or elected and whether the official is a state or local official; and that the exemption from using the Commission's conflict disclosure form applicable only to Legislators be eliminated.

3. Enhanced Financial Disclosure for Elected Municipal Officers

Elected municipal officials are very important and administer vast amounts of public resources. For these, and other reasons, their disclosure should be on par with that of county officials and others who file Form 6, rather than Form 1. *The Commission believes the enhanced disclosure should be applied to all elected municipal officials regardless of the population of the municipality.*

4. Representing Clients Before One's Own Board

The Commission has opinions as early as 1977 and even since 2014 interpreting Section 112.313(7), Florida Statutes, to say, in essence, that if a person serves on a board, he cannot represent clients before that board, *and neither can other members of his professional firm*. This interpretation is similar to the Rules of Professional Conduct of the Florida Bar, which impute the conflict of one lawyer to all lawyers in the firm. The Commission views this as an important public protection, and opposes any relaxation of this standard.